

descendible, is, where land is granted to the deceased, and his heirs, during the life of another person or persons, such a lease is not to be put in the inventory; (the heir being entitled to it as special occupant, if not disposed of by the act or will of the lessee.) But if the lease be generally limited to the grantee, or to the grantee his executors or administrators, the same is legal assets in the hands of the executor or administrator, and therefore accountable for in a course of administration.

Statute 29,
Car. 2.
Estates *pur*
auter vie, de-
visable by
will.

By the statute of the 29th. Car. 2, cap. 3,
“ any estate *pur auter vie* shall be devisable by a
“ will in writing, signed by the party so de-
“ vising the same, or by some other person in
“ his presence, and by his express directions,
“ attested and subscribed in the presence of the
“ devisor by three or more witnesses; and if
“ no such devise thereof be made, the same
“ shall be chargeable in the hands of the heir,
“ if it shall come to him by reason of a special
“ occupancy, as assets by descent, as in case
“ of lands in fee simple; and in case there be
“ no special occupant thereof, it shall go to the
“ executors or administrators of the party that
“ had the estate thereof by virtue of the grant,
“ and shall be assets in their hands.”

Occupancy,